

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 22, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10od-204

OAHU

Issuance of Revocable Permit to Waikiki Community Center for Beach Activities
Purpose at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-
037:portion of 021

APPLICANT:

Waikiki Community Center, a domestic non-profit organization

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolulu, Oahu identified as of tax map key: (1) 2-3-
037:portion of 021, as shown on the attached Exhibit A1 and A2.

AREA:

52,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Beach activities purposes.

TERM:

From 9:00 am on January 22, 2011 to 8:00 pm on January 23, 2011

RENTAL:

Gratis. See Remarks Section.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." See Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for beach activities in the past. After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Waikiki Community Center (WCC) requests (Exhibit C) to use the State land holding its annual fund raising event at the subject location. The set-up of the beach equipment is scheduled on January 22, 2011 while the event will be taken place on January 23, 2011. WCC plans to have some tents for the participating teams, registration, entertainment, makahiki, and officials for event. All amplified sound will be directed toward the hotel and its lagoon lawn. The event will welcome the general public.

WCC has organized similar event in Ala Wai Park. Due to the ongoing sewage upgrading

works, WCC has to look for alternative site for this year's event. Hilton Hawaiian Village agrees to serves as the sponsor for the event including coordinating the activities on the event day and the subsequent clean up.

Planned activities include canoe races, Hawaiian land makahihi games, stand up-paddle relay, Hawaiian craft and market place, and live entertainment. Any commercial activities of the event will be confined to the private property, i.e. the hotel.

WCC is requesting a waiver of fees under the proposed revocable permit. The fee would be \$10,400 for the two-day period. In view of the goal to raise \$60,000, the fee would be a substantial portion of the donations generated from the event. WCC, being a non-profit organization, provides educational and social services in the Waikiki community under a State lease in the neighborhood. WCC is in full compliance with the terms and conditions of the State lease. Staff has no objection to the request.

No comments were solicited from government or community agencies.

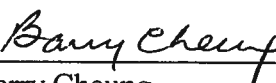
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board

Authorize the issuance of a revocable permit to Waikiki Community Center covering the subject area for beach activities purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

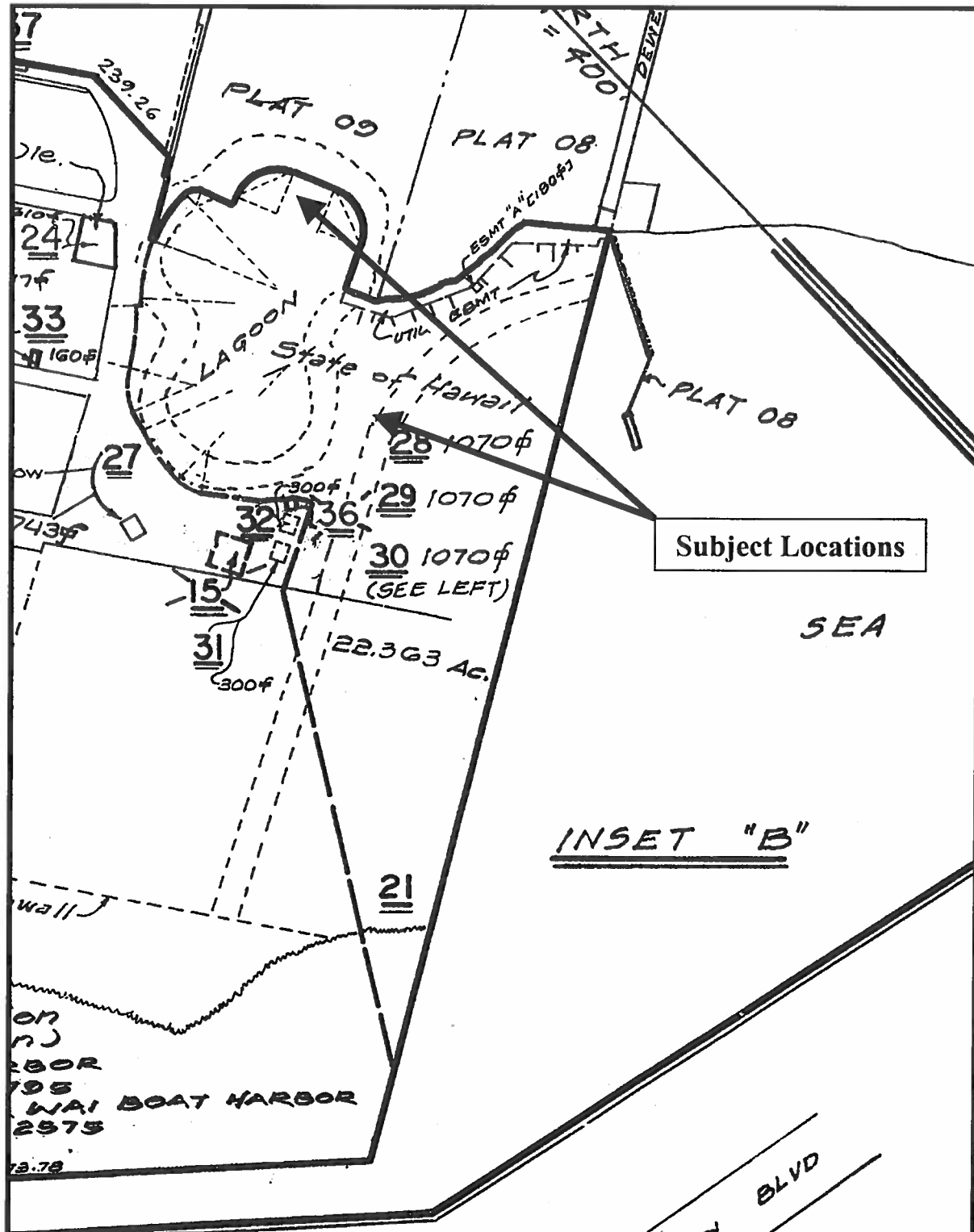
Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



TMK (1) 2-3-037:portion of 021

EXHIBIT A1

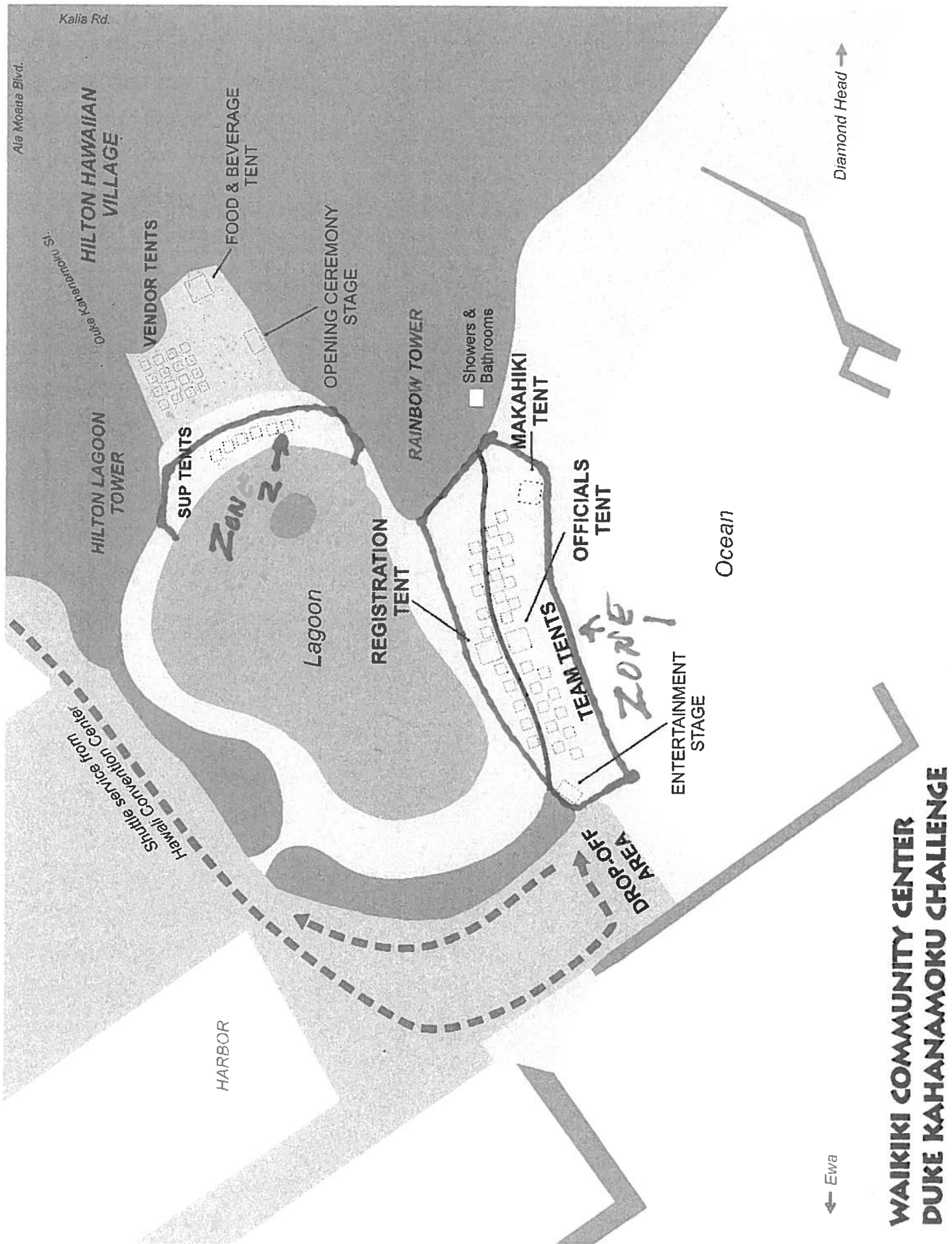


EXHIBIT "A2"



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 22, 2010

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Revocable Permit for Beach Activities Purposes

Project / Reference No.: PSF 10OD-204

Project Location: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of: 021.

Project Description: Annual Fund Raising Event for Waikiki Community Center

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

EXHIBIT B

Issuance of Revocable Permit
for Beach Activities Purpose

Page 2

Consulted Parties

Office of Conservation and Coastal Lands

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thielen
Chairperson

Date



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Vivian Tsuji

W. Michael Lee
Interim Executive Director

310 Paoakalani Avenue
Honolulu, Hawaii 96815
Phone: 808 923-1802
Fax: 808 791-2099



October 20, 2010

Mr. Barry Cheung, Oahu District Land Agent
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Re: Request for Non Exclusive Right of Entry on Duke Kahanamoku Beach and Duke Kahanamoku Lagoon January 22, 2011 and January 23, 2011

Aloha, Barry:

The Waikiki Community Center ("WCC") hereby requests a Non-Exclusive Right of Entry for the portion of Duke Kahanamoku Beach that is located just makai of the Hilton Hawaiian Village Beach Resort and Spa Rainbow Tower and the portion of Duke Kahanamoku Lagoon Beach that is makai of the Lagoon Tower, and including the island in Duke Kahanamoku Lagoon.

The enclosed site plan shows the location of the requested beach areas (divided into zones) and Duke's Lagoon Island and their approximate size. The dimensions (which vary with the natural topography of the ocean and lagoon shorelines) for our requested Non-Exclusive Right of Entry are:

Zone 1 Duke Kahanamoku Beach 170 feet running Diamond Head-Ewa by 330 feet running mauka-makai for a total of 46,000 square feet;

Zone Duke Kahanamoku Lagoon Beach 200 feet running Diamond Head-Ewa by 30 feet running mauka-makai for a total of 6,000 square feet;

The total area requested is 52,000 square feet.

Our Non-Exclusive Right of Entry request is for January 22, 2011 and January 23, 2010.

About the Waikiki Community Center and the Event Purpose

Long recognized as an integral part of the community the Waikiki Community Center has served as a safe gathering place where the social, health, educational and recreational needs of residents, employees and visitors have been met each day for over 32 years.

As a nonprofit organization WCC operates on DLNR property on Paoakalani Avenue, under a master lease. Its programs and services for the public are made possible through partnerships with the Waikiki Health Center and other tenants, and through its own operations funded through fees for service and effective fundraising.

The purpose for our request is to conduct an event that will welcome the general public and foster good will among the many businesses, hotels and residents of Waikiki and Honolulu. WCC will conduct Hawaiian open ocean sprint canoe races, Hawaiian land makahiki games,

Mr. Barry Cheung, Oahu District Land Agent

stand up paddle (SUP) 4-man relay, Hawaiian craft and marketplace, live entertainment on Hilton Hawaiian Village Hotel property and on Duke Kahanamoku Beach and a unique huki kaula (tug-of-war) in the Duke Kahanamoku Lagoon.

WCC has operated a similar event – the Ala Wai Challenge - for the last 25 years. The ongoing City and County sewer work precludes WCC from staging this event at the Ala Wai Park, which prompted the Village to invite WCC onto its hotel property and Duke's Lagoon.

The Hilton Hawaiian Village Hotel and Hilton Grand Vacations Club have agreed to serve as title sponsors of this event and to lead a community-wide effort to raise contributed income and visibility for the Waikiki Community Center. Our goal is to raise \$60,000 to support the operation of educational and social services that serve the residents, employees and visitors in Waikiki, especially those in need.

Event Particulars

We would like to set up starting at 9:00 am on January 22, 2011 and take down and area cleared and cleaned before sunset on January 23, 2011.

January 22 will be used only for set up of team tents and 15 X 20 foot stage. The actual event will be conducted from 9:00 am to 5:00 pm on January 23, 2011. WCC expects to near 3,000 people in attendance on January 23, 2011.

Zone 1 and Zone 2 will be used for team tents and stage. All amplified sound will be directed toward the Hilton Hawaiian Village Hotel and its lagoon lawn.

No alcoholic beverages will be served or allowed in any of the zones or on any public beach. There will be No Advertising or commercial activities on the beach.

Lifeguards will be on duty at all times. Vendors in Waikiki and, Waikiki Beach Activities will supply equipment and personnel and the Hilton Hawaiian Village Beach Resort and Spa will serve as Event Host.

The required liability insurance for the event is provided by WCC and is enclosed with this letter. WCC will oversee the event. Hilton will maintain and clean up the area following the event.

We request that the fee be waived for this event as all of the proceeds derived from this event will go to support the services provided by WCC to the community.

We thank you for fully considering this request which, we hope, will yield a triple-bottom line benefit for visitors and residents of our community, financial benefit to sustain programs and services of the Waikiki Community Center and minimal impact on our natural resources.

Aloha,



W. Michael Lee
Interim Executive Director